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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

MAXIMILIAN KLEIN and SARAH GRABERT,
 individually and on behalf of all others similarly
 situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware corporation
 headquartered in California,

Defendant.

Case No. 5:20-cv-08570-LHK

**STIPULATION AND [PROPOSED]
 ORDER TO ENLARGE TIME TO
 RESPOND TO THE COMPLAINT**

Hon. Lucy H. Koh

1 WHEREAS, plaintiffs Maximilian Klein and Sarah Grabert served the Complaint (ECF
2 No. 1) on December 9, 2020;

3 WHEREAS, defendant Facebook, Inc.'s response to the Complaint is currently due
4 February 16, 2021;

5 WHEREAS, after the filing of this case, seven other putative class action lawsuits¹ have
6 been filed against defendant Facebook, Inc. in this District in recent weeks alleging violations of
7 Section 2 of Sherman Act, 15 U.S.C. § 2;

8 WHEREAS, four of these lawsuits, including this case, are currently the subject of
9 motions pending before this Court to consider whether the cases should be related to this case
10 (ECF Nos. 19, 34);

11 WHEREAS, currently pending before this Court is Facebook's Motion to Stay this case
12 pending ruling on the relation motions and a coordinated Case Management Conference (ECF
13 No. 38);

14 WHEREAS, Facebook and the plaintiffs are in the process of discussing potential case
15 management approaches including a possible stipulation (which plaintiffs intend to propose to
16 Facebook) that would require a consolidated class action complaint or complaints and negate
17 Facebook's current response deadline in this case;

18 ACCORDINGLY, pursuant to Civil Local Rules 6-1 and 7-12, Facebook and plaintiffs,
19 by and through their respective counsel, hereby stipulate and agree that good cause exists to
20 extend Facebook's time to answer or otherwise respond to the Complaint until the earlier of (a)

21
22
23 ¹ The lawsuits are: *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB; *Kupcho v. Facebook,*
24 *Inc.*, No. 4:20-cv-08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-TSH; *Steinberg v.*
25 *Facebook, Inc.*, No. 3:20-cv-09130-SK; *Affiliious, Inc. v. Facebook, Inc.*, No. 4:20-cv-09217-
26 KAW; *Layser v. Facebook, Inc.*, No. 3:21-cv-00337-VC; and *Garvin v. Facebook, Inc.*, No.
27 4:21-cv-00618-KAW. In addition, *Rosenman v. Facebook, Inc.*, No. 3:21-cv-00336-VC, was
28 filed in state court, removed to this District, and makes similar allegations in support of its claims
for violation of the California Unfair Competition Law.

1 March 18, 2021, or (b) the date on which Facebook files its response to the Complaints in
2 *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB; *Kupcho v. Facebook, Inc.*, No. 4:20-cv-
3 08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-TSH; *Steinberg v. Facebook, Inc.*,
4 No. 3:20-cv-09130-SK; and *Affilious, Inc. v. Facebook, Inc.*, No. 4:20-cv-09217-KAW, or any
5 other case that Facebook asserts is related to *Klein* or any of the above matters. The parties'
6 positions on Facebook's pending Motion to Stay remain unchanged and will be unaffected by
7 this Court's entry of the requested stipulated enlargement of time.

1
2 Dated: February 5, 2021

WILMER CUTLER PICKERING HALE
AND DORR LLP

3 By: /s/ Sonal N. Mehta

4 SONAL N. MEHTA

5
6 *Attorney for Defendant*
7 Facebook, Inc.

8 Dated: February 5, 2021

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By: /s/ Warren Postman

Attorney for Plaintiffs
Maximilian Klein and Sarah Grabert

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have concurred in this filing.

Dated: February 5, 2021

By: /s/ Sonal N. Mehta
Sonal N. Mehta

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED: Facebook's time to answer or otherwise respond to the Complaint is enlarged up to and including the earlier of (a) March 18, 2021, or (b) the date on which Facebook files its response to the Complaints in *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB; *Kupcho v. Facebook, Inc.*, No. 4:20-cv-08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-TSH; *Steinberg v. Facebook, Inc.*, No. 3:20-cv-09130-SK; and *Affilious, Inc. v. Facebook, Inc.*, No. 4:20-cv-09217-KAW, or any other case that a plaintiff or Facebook asserts is related to *Klein* or any of the above matters.

DATED: _____

By: _____

Hon. Lucy H. Koh

United States District Judge

Submitted by:

WILMER CUTLER PICKERING HALE AND DORR LLP

By: /s/ Sonal N. Mehta

Attorney for Facebook, Inc.